

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT J. MADDAUS,

Petitioner,

v.

JERI BOE,

Respondent.

CASE NO. 3:17-cv-06020-TSZ-JRC

ORDER GRANTING MOTION TO
CONTINUE STAY

This matter is before the Court on referral from the District Court and on respondent's status report and motion to continue the stay. Dkt. 52.

Petitioner filed a petition pursuant to 28 U.S.C. § 2254 in December 2017 and then requested that the Court stay the petition so that he could exhaust his state court remedies. *See* Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required respondent to provide this Court with a status report and motion to extend the stay before it expired. *See* Dkt. 15. Since then, the Court has extended the stay on several occasions. *See* Dkts. 19, 25, 27, 29, 31, 36, 40, 44, 49.

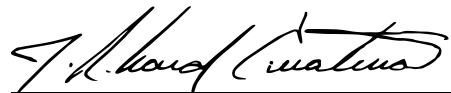
1 The stay is currently set to expire on April 13, 2023. *See* Dkt. 49. On March 16, 2023,
 2 respondent filed a status report and motion to continue the stay indicating that petitioner's state
 3 court proceedings remain pending in the Washington Supreme Court. *Id.* According to the
 4 court's website, petitioner has sought review by the supreme court and the case remains pending
 5 there, with a motion to modify ruling due on April 10, 2023. *Id.* As a result, respondent seeks to
 6 extend the stay of these habeas proceedings until the completion of petitioner's state
 7 proceedings. *Id.* Petitioner does not oppose the motion. *See* Dkt.

8 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
 9 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
 10 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
 11 good cause to grant respondent's motion.

12 The motion to continue the stay (Dkt. 49) is granted and the case shall remain stayed.

13 Respondent is directed to file a report every 90 days informing the Court of the status of
 14 petitioner's state court proceedings. The first status report is due on or before **July 7, 2023**, and
 15 shall include the state court cause number(s). If the state court dismisses or resolves petitioner's
 16 state court proceedings, petitioner or respondent is directed to inform the Court and file a motion
 17 to lift the stay within 30 days of the state court taking action. Respondent's answer shall be filed
 18 45 days after the stay is lifted.

19 Dated this 7th day of April, 2023.

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 21 

22 J. Richard Creatura
 23 United States Magistrate Judge
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